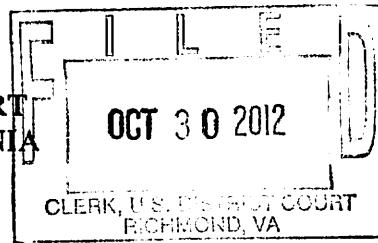


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ERIC DANTE PITTS, for himself and on
behalf of all similarly situated individuals,

Plaintiff,

v.

Civil Action No.: 3:11cv697

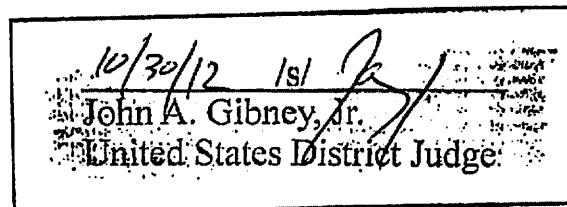
KMART CORPORATION,
A wholly owned subsidiary of Sears
Holdings Corporation

and

SEARS HOLDINGS CORPORATION

Defendants.

SO ORDERED



**PLAINTIFF'S MOTION TO WITHDRAW MOTION FOR ENLARGEMENT OF TIME
TO COMPLETE PHASE I DISCOVERY AND TO AMEND SCHEDULING ORDER**

COMES NOW the Plaintiff, Eric Dante Pitt, by counsel, and moves the Court to withdraw his Motion for Enlargement of Time to Complete Phase I Discovery and to Amend Scheduling Order on the following grounds:

1. Plaintiff filed his Motion on September 28, 2012.
2. On October 11, 2012 the parties submitted a proposed Agreed Order staying the case to permit the parties to mediate.
3. The proposed Agreed Order also provided for limited discovery to take place between the parties if mediation fails.
4. By Order dated October 11, 2012 the Honorable John A. Gibney, Jr., United States District Judge, entered the agreed Order rendering Plaintiff's Motion for Enlargement of Time to Complete Phase I Discovery and to Amend Scheduling Order moot.

5. The Court has appointed a Magistrate Judge to supervise and monitor settlement discussions.

6. The parties have scheduled mediation in Washington, D.C. for November 16, 2012.

WHEREFORE, Plaintiff moves the Court to withdraw his Motion for Enlargement of Time to Complete Phase I Discovery and to Amend Scheduling Order, and for such additional relief as the Court deems appropriate.

Respectfully submitted,

ERIC DANTE PITT

By: _____ /s/
Of Counsel

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